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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/730,962	12/09/2003	Chandra Kumar Banerjee	00568-290996	3681	
7590 10/10/2006			EXAMINER		
Charles W. C			EDEL, JOHN B		
Kilpatrick Stockton LLP 1001 West Fourth Street			ART UNIT	PAPER NUMBER	
Winston-Salen	n, NC 27101-2400	1731			
,		DATE MAILED: 10/10/2006			

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary		Application	No.	Applicant(s)				
		10/730,962		BANERJEE ET A	L.			
		Examiner		Art Unit				
		John B. Edel		1731				
The MAILIN Period for Reply	G DATE of this communication app	pears on the c	over sheet with the c	orrespondence ad	ldress			
WHICHEVER IS L  - Extensions of time may after SIX (6) MONTHS (  - If NO period for reply is  - Failure to reply within th Any reply received by th	TATUTORY PERIOD FOR REPLY ONGER, FROM THE MAILING DAD be available under the provisions of 37 CFR 1.13 from the mailing date of this communication. Specified above, the maximum statutory period we set or extended period for reply will, by statute, the Office later than three months after the mailing stment. See 37 CFR 1.704(b).	ATE OF THIS 36(a). In no event, will apply and will except the applica	COMMUNICATION however, may a reply be tim kpire SIX (6) MONTHS from tion to become ABANDONEI	N. nely filed the mailing date of this c (35 U.S.C. § 133).				
Status								
1) Responsive	to communication(s) filed on <u>09 De</u>	ecember 200	<u>3</u> .					
2a) This action is	2a) ☐ This action is <b>FINAL</b> . 2b) ☒ This action is non-final.							
·—	·— · · · · · · · · · · · · · · · · · ·							
closed in acc	cordance with the practice under E	x parte Quay	<i>le</i> , 1935 C.D. 11, 45	53 O.G. 213.				
Disposition of Claims	<b>;</b>							
<ul> <li>4) Claim(s) 1-24 is/are pending in the application.</li> <li>4a) Of the above claim(s) is/are withdrawn from consideration.</li> <li>5) Claim(s) is/are allowed.</li> </ul>								
6) Claim(s)								
	is/are objected to. <u>4</u> are subject to restriction and/or e	election requi	rement					
0/24 Oldim(3) <u>7 2</u>	4 are subject to restriction and/or c	oloollon roqui	omone.					
Application Papers								
9) The specification is objected to by the Examiner.								
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority under 35 U.S	.C. § 119							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:								
1. Certified copies of the priority documents have been received.								
2. Certified copies of the priority documents have been received in Application No								
3. Copies of the certified copies of the priority documents have been received in this National Stage								
application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.								
See the attach	ied detailed Office action for a list	or the certifie	a copies not receive	·u.				
Attachment(s)								
1) Notice of References		4	· · · · · · · · · · · · · · · · · · ·					
	n's Patent Drawing Review (PTO-948) e Statement(s) (PTO-1449 or PTO/SB/08) e		Paper No(s)/Mail Da  Notice of Informal P  Other:		O-152)			

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## **DETAILED ACTION**

## Election/Restrictions

(1)

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-18 and 23-24, drawn to catalyst and smoking articles, classified in class 131, subclass 202.
- II. Claims 19-22, drawn to methods for converting carbon monoxide, classified in class 423, subclass 246.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process. For example the catalyst of group I could be used in reactions involving hydrocarbons.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

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Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

A telephone call was made to Charles W. Calkins, Esq. on September 8<sup>th</sup>, 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

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## Conclusion

(2)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Edel whose telephone number is (571) 272-4804. The examiner can normally be reached on 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 1700

JBE